

**E-FILING****United States District Court**

NORTHERN

DISTRICT OF

**FILED**  
CALIFORNIA

UNITED STATES OF AMERICA

MAR 24 P 1:22

V.

**CRIMINAL COMPLAINT**

Leonardo FERNANDEZ-Ramos

**08-70167**

(Name and Address of Defendant)

CASE NUMBER:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, March 11, 2008, in Santa Clara County in the Northern District of California defendant(s)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326  
I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:  
Official Title

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty (20) years imprisonment, a \$100.00 special assessment fee, and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

  
ASSISTANT UNITED STATES ATTORNEYContinued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

3/24/08

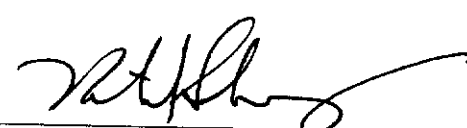
Date

at

San Jose, California

City and State

Richard Seeborg  
UNITED STATES MAGISTRATE JUDGE  
Name & Title of Judicial Officer

  
Signature of Judicial Officer

**RE:** Leonardo FERNANDEZ-Ramos

A# 72 982 421

I, Timothy F. Purdy, am a Deportation Officer of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE). I have been employed by this agency, U.S. Customs & Border Protection and the former Immigration and Naturalization Service (INS), since October 1, 2002. I am currently assigned to the Criminal Alien Program at the San Jose, California Sub-Office. In such capacity, I have reviewed the official immigration "A-File" relating to the above named defendant, which attests to the following:

- (1) The DEFENDANT Leonardo FERNANDEZ-Ramos (A#72 982 421), is a 34 year-old married male, citizen and native of Michoacan, Mexico, whose Date of Birth is understood to be June 18, 1968, as substantiated by multiple sworn statements that the DEFENDANT has made on August 31, 2005, August 22, 2006 and March 11, 2008 to immigration officials, Though this DEFENDANT has used six alias's and two separate Dates of Birth in the during previous encounters with law enforcement personnel;
- (2) The DEFENDANT has been assigned an Administrative File of A72 982 421, an FBI number of 245987VA6, and a California Criminal State ID Number of A22619476;
- (3) On August 12, 1994, the DEFENDANT was convicted in the U.S. District Court in the Northern District of California, for the offense of: USE OF A TELEPHONE TO FACILITATE THE COMMISSION OF A DRUG OFFENSE, a felony, in violation of Title 21, United States Code, Section 843(b). For this offense, the DEFENDANT was sentenced to forty-one months in federal prison;
- (4) On January 23, 1997, the DEFENDANT was determined to be unlawfully present in the United States by order of the Immigration Judge, EOIR, Dallas, Texas and ordered removed from the United States to Mexico;
- (5) On June 21, 2006, the DEFENDANT was convicted in the U.S. District Court in the Northern District of California, for the offense of: ILLEGALLY RE-ENTERING THE U.S. AFTER DEPORTATION, a felony, in violation of Title 8, United States Code, Section 1326. For this offense, the DEFENDANT was sentenced to eight months in federal prison;

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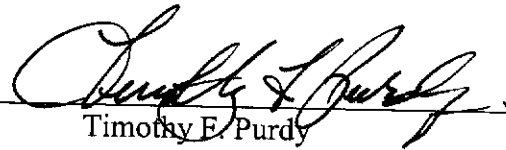
A# 72 982 421

- (6) On July 11, 2006, the DEFENDANT was determined to be unlawfully present in the United States by order of the DRO/ICE Field Officer Director San Francisco, California, and ordered removed from the United States to Mexico;
- (7) On August 22, 2006, the DEFENDANT was determined to be unlawfully present in the United States by the Branch Chief, U.S. Customs and Border Protection San Ysidro Port of Entry and ordered an Expedited Removal (ER) from the United States to Mexico;
- (8) On March 6, 2008, the DEFENDANT was convicted in the Superior Court of California – County of Santa Clara, for the offense of: POSSESSION OF A CONTROLLED SUBSTANCE FOR SALE, a felony, in violation of California Health and Safety Code Section 11378 and sentenced to two years in state prison;
- (9) The DEFENDANT, on a date unknown but not later than March 11, 2008, in Santa Clara County in the Northern District of California, was found to be unlawfully present in the United States after prior arrest and deportation, without the permission of the Attorney General, in violation of Title 8, United States Code Section 1326. On March 11, the DEFENDANT was interviewed by Immigration Enforcement Agent (IEA) Joseph Oidem in San Jose, CA. During the course of that interview, the DEFENDANT was advised of his **Miranda** rights in the English and Spanish languages by IEA Oidem. The DEFENDANT waived his **Miranda** rights and provided a sworn statement attesting to his alienage and, prior deportations/removals, and failure to obtain permission from the Attorney General to reenter the United States;
- (10) On March 11, 2008, the DEFENDANT'S fingerprints were taken as part of the standard interview procedure by DRO/ICE San Jose, CA. A latent print examiner at the Santa Clara County Sheriff's Department compared those fingerprints with the fingerprints of Leonardo FERNANDEZ-Ramos (A#72 987 563) found on official documents in his Administrative File. The latent print examiner determined that the fingerprints were identical and related to Leonardo FERNANDEZ-Ramos(A#72 987 563);
- (11) The DEFENDANTS official A-File does not contain any record or indication that he either requested or received permission from the Secretary of the Department of Homeland Security or the Attorney General of the United States to reenter the United States;

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- (12) Based on the above stated information, this Officer believes there is sufficient probable cause that the DEFENDANT is present within the United States in violation of Title 8, United States Code, Section 1326.



Timothy E. Purdy  
Deportation Officer  
Immigration and Customs Enforcement

Subscribed and sworn to before me this 24<sup>th</sup> day of March, 2008



Richard Seeborg  
UNITED STATES MAGISTRATE JUDGE